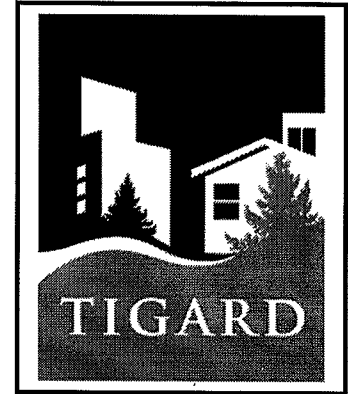




TIGARD CITY COUNCIL & LOCAL
CONTRACT REVIEW BOARD
MEETING

DECEMBER 12, 2006 6:30 p.m.

TIGARD CITY HALL
13125 SW HALL BLVD
TIGARD, OR 97223



PUBLIC NOTICE:

[Click here to download the Council Packet for this meeting date.](#)

To request to speak to the City Council:

- Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s).
- If no sheet is available for the agenda item you would like to address, sign the Citizen Communication sign-in sheet and ask the Mayor if you may speak to the Council when that agenda item is considered.
- For Citizen Communication items regarding items not on the agenda, citizens are asked keep their remarks to two minutes or less. Longer matters can be set for a future Agenda by contacting the Mayor or the City Manager.
- If you need assistance determining how to sign in, please speak to the staff greeter who will be near the entry to the Town Hall before the Council meeting.

Times noted are estimated; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A
TIGARD CITY COUNCIL AND
LOCAL CONTRACT REVIEW BOARD MEETING
DECEMBER 12, 2006

6:30 PM

- STUDY SESSION
 - > City Attorney Review
 - > Report on Gas Tax Town Hall Meetings
 - > Review Reallocation of 72nd Avenue Culvert Project Funds Stormwater Treatment Facility
- EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

1. BUSINESS MEETING
 - 1.1 Call to Order - City Council & Local Contract Review Board
 - 1.2 Roll Call
 - 1.3 Pledge of Allegiance
 - 1.4 Council Communications & Liaison Reports
 - 1.5 Call to Council and Staff for Non-Agenda Items
2. CITIZEN COMMUNICATION (Two Minutes or Less, Please)
 - Tigard High School Student Envoy Jasmina Dizdarevik
 - Webelo Boy Scouts
 - Follow-up to Previous Citizen Communication

3. CONSENT AGENDA: These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:

3.1 Receive and File:

- a. Canvass of Votes for City of Tigard Relating to the Election on November 7, 2006
- b. Council Calendar
- c. Council Meeting Tentative Agenda

3.2 Approve Reallocation of Healthy Streams Project Funding from a 72nd Avenue Culvert Project for Design of the Proposed Commercial Street Regional Stormwater Treatment Facility

3.3 Local Contract Review Board:

- a. Award of Contracts for Environmental Assessment and Remediation Services on an As-Required Basis to AMEC Earth and Environmental, Inc. and GeoEngineers
- b. Approve a Contract Amendment to the Commercial Street Design Contract to Create a Regional Stormwater Treatment Facility with OTAK, Inc.

- *Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.*

4. QUASI JUDICIAL PUBLIC HEARING -- TOPPING KEMP ZONE CHANGE ANNEXATION (ZCA) 2006-00003

REQUEST: Annexation of four parcels total containing 1.81 acres to the City of Tigard. Property owners Richard Topping and Katie Kemp request annexation of three parcels, with plans to build a pre-school on one parcel. The City invited owners of six adjacent properties to join the annexation. Property owners Charles and Christina Hanson accepted the invitation and request annexation of one parcel. All property owners and living residents have consented to the annexation. **LOCATION:** SW Spruce Street between SW 72nd Avenue and SW 75th Avenue; 7303 SW Spruce Street, 10735 SW 72nd Avenue, 10705 SW 72nd Avenue, 10670 SW 75th Avenue; WCTM 1S136AC, Tax Lots 2200, 2400, 2500 and 4700. **COUNTY ZONES:** Office Commercial District (OC). The intent of this District is to encourage office complex development of institutional, professional, medical/dental, governmental and other office business uses. The purpose is to accommodate the increasing office needs in complexes ranging in size from small to large-scale development. Office uses are the primary use of this District. To serve the employees of the office complex, some accessory commercial and high density residential uses may be permitted through the Planned Development process; **AND** R-5 District (Residential 5 units per acre). The R-5 District is intended to implement the

policies of the Comprehensive Plan for areas designated for residential development at no more than five (5) units per acre and no less than four (4) units per acre, except as specified otherwise by Section 300-2 or Section 302-6. The primary purpose is to protect existing neighborhoods developed at five (5) units per acre or less. Infill development on all parcels two (2) acres or less may occur only through application of the infill policy (Section 430-72).

EQUIVALENT CITY ZONES: C-P: Professional/Administrative Commercial District.

The C-P zoning district is designed to accommodate civic and business/professional services and compatible support services, e.g., convenience retail and personal services, restaurants, in close proximity to residential areas and major transportation facilities. Within the Tigard Triangle and Bull Mountain Road District, residential uses at a minimum density of 32 units/net acre, i.e., equivalent to the R-40 zoning district, are permitted in conjunction with a commercial development. Heliports, medical centers, religious institutions and utilities are permitted conditionally. Developments in the C-P zoning district are intended to serve as a buffer between residential areas and more-intensive commercial and industrial areas; **AND R-4.5: Low-Density Residential District.** The R-4.5 zoning district is designed to accommodate detached single-family homes with or without accessory residential units at a minimum lot size of 7,500 square feet. Duplexes and attached single-family units are permitted conditionally.

Some civic and institutional uses are also permitted conditionally. **APPLICABLE REVIEW CRITERIA:** The approval standards for annexations are described in Community Development Code Chapters 18.320 and 18.390, Comprehensive Plan Policies 2 and 10; ORS Chapter 222; and Metro Code Chapter 3.09.

- a. Open Public Hearing – Mayor
- b. Statement by City Attorney Regarding Procedure
- c. Declarations or Challenges
 - **Do any members of Council wish to report any ex parte contact or information gained outside the hearing, including any site visits?**
 - **Have all members familiarized themselves with the application?**
 - **Are there any challenges from the audience pertaining to the Council's jurisdiction to hear this matter or is there a challenge on the participation of any member of the Council?**
- d. Staff Report: Community Development Staff
- e. Public Testimony
 - Proponents
 - Opponents
 - Rebuttal/Final argument by applicant
- f. Staff Recommendation
- g. Close Public Hearing
- h. Council Discussion and Consideration: Ordinance No. 06-_____

5. LEGISLATIVE PUBLIC HEARING - DEVELOPMENT CODE AMENDMENT (DCA)
2006-00005 - HISTORIC OVERLAY CONDITIONAL USE CODE AMENDMENT

REQUEST: The applicant is requesting to amend various chapters of the City of Tigard Community Development Code to allow meetings and events as a conditional use on properties with Historic Overlays and/or on the National Register of Historic Places in residential zones. The following is a summary of the proposed amendments including the affected code chapters: 1). Chapter 18.130 USE CLASSIFICATIONS: Add a "Meeting and Event Use" category; 2). Chapter 18.330 CONDITIONAL USE: Add additional development standards for conditional use types to allow "Meeting and Event Uses" in residential zones with an Historic District overlay zone and/or on the National Register of Historic Places; 3). Chapter 18.510 RESIDENTIAL ZONING DISTRICTS (Table 18.510.1 - Use Table): Add a use category for "Historic Place Meetings and Events" as a conditional use in all residential zoning districts that have an Historic Overlay and/or are on the National Register of Historic Places; and 4). Chapter 18.740 HISTORIC OVERLAY: Add a General Provision to the Historic Overlay chapter to include "Incentives for maintenance" provision. The full text of the proposed code amendment can be viewed at: http://www.tigard-or.gov/city_hall/departments/cd/code_amendments/historic_overlay.asp

LOCATION: All residential zones with Historic Overlays. **ZONE:** All residential zones with an Historic Overlay Designation.

APPLICABLE REVIEW CRITERIA: Community Development Code Chapters 18.120, 18.130, 18.330, 18.390, 18.510 and 18.740; Comprehensive Plan Policies 1 and 2; and Statewide Planning Goal 1.

- a. Open Public Hearing – Mayor
- b. Statement by City Attorney Regarding Procedure
- c. Declarations or Challenges
 - **Do any members of Council wish to report any ex parte contact or information gained outside the hearing, including any site visits?**
 - **Have all members familiarized themselves with the application?**
 - **Are there any challenges from the audience pertaining to the Council's jurisdiction to hear this matter or is there a challenge on the participation of any member of the Council?**
- d. Staff Report: Community Development Staff
- e. Public Testimony
 - Proponents
 - Opponents
- f. Staff Recommendation
- g. Close Public Hearing
- h. Council Discussion and Consideration: Ordinance No. 06-_____

6. LEGISLATIVE PUBLIC HEARING - COMPREHENSIVE PLAN AMENDMENT (CPA) 2006-00001/DEVELOPMENT CODE AMENDMENT (DCA) 2006-00004 - HABITAT-FRIENDLY DEVELOPMENT PROVISIONS

REQUEST: Amendments to the Tigard Comprehensive Plan (Volume I) and Community Development Code (Sections 18.360, 18.370, 18.705, 18.715, 18.765, 18.775, 18.810) in compliance with Statewide Planning Goal 5 and Metro Title 13 (Nature in Neighborhoods) to adopt the Significant Habitat Areas Map and to implement the recommendations of the Tualatin Basin Fish & Wildlife Habitat Program aimed at encouraging the use of habitat-friendly development practices. The proposed amendments will not result in increased development restrictions but will give developers the option to take advantage of greater regulatory flexibility in exchange for the use of habitat-friendly practices. Amendments will remove barriers to, and provide code flexibility for development that incorporates habitat-friendly techniques. The complete text of the proposed Code Amendment can be viewed on the City's website at http://www.tigard-or.gov/code_amendments. **LOCATION:** Citywide. **ZONE:** CBD, C-G, C-P, I-H, I-L, I-P, MUC, MUE, MUE-1, MUE-2, MUR-1, MUR-2, R-1, R-2, R-3.5, R-4.5, R-7, R-12, R-25. **APPLICABLE REVIEW CRITERIA:** Community Development Code Chapters 18.360, 18.370, 18.380, 18.390, 18.705, 18.715, 18.765, 18.775 and 18.810; Comprehensive Plan Policies 2, 3 & 4; Metro Functional Plan Title 3 and 13; and Statewide Planning Goals 1, 2, 5 and 6.

- a. Open Public Hearing – Mayor
- b. Statement by City Attorney Regarding Procedure
- c. Declarations or Challenges
 - Do any members of Council wish to report any ex parte contact or information gained outside the hearing, including any site visits?
 - Have all members familiarized themselves with the application?
 - Are there any challenges from the audience pertaining to the Council's jurisdiction to hear this matter or is there a challenge on the participation of any member of the Council?
- d. Staff Report: Community Development Staff
- e. Public Testimony
 - Proponents
 - Opponents
- f. Staff Recommendation
- g. Close Public Hearing
- h. Council Discussion and Consideration: Ordinance No. 06-_____

7. COUNCIL LIAISON REPORTS

8. NON AGENDA ITEMS

9. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

10. ADJOURNMENT

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